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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,518	10/13/2000	Rich Karstens	PALM-3513	7809

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EXAMINER

LE, THANG Q

ART UNIT PAPER NUMBER

2683

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/687,518

Applicant(s)

KARSTENS ET AL. 

Examiner

Thang Q Le

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/13/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Arai et al (US 5907545).

1. As to claim 14, Arai teaches a method for automatically delivering a phone call to a device (col. 13; lines 2-17), said method comprising the steps of:

a) monitoring for incoming phone calls by a task (208; fig. 2 , fig. 3 or fig. 22) interfacing directly with the telephony functionality of said device (fig. 20 and col.13; lines 42-56 or fig. 28 and col. 17; line 56- col. 18; line 14), said task always remaining active irrespective of the activities of an operating system of said device (col. 14; lines 31-44).

b) receiving said incoming phone call by said task(fig. 20 and col.13; lines 42-56 or fig. 28 and col. 17; line 56- col. 18; line 14) ; and

c) said task notifying the user of said device of said incoming phone call irrespective of the user's activity on said device(fig. 20 and col.13; lines 42-56 or fig. 28 and col. 17; line 56- col. 18; line 14).

2. As to claim 16, Arai teaches the step of answering incoming call by user (col. 13; lines 48-56 and fig. 20)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 10, 13, 15, 20, 23-24 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al (US 5907545) in view of Pepper et al (US 5930700).

3. As to claim 1, Arai teaches a method for automatically delivering a phone call in a portable electronic device (col.13; lines 2-17), said method comprising the steps of:

a) monitoring for incoming phone calls by a background task (208; fig. 2 , fig. 3 or fig. 22) interfacing directly with the telephony functionality of said device, said background task always active (fig. 20 and col.13; lines 42-56 or fig. 28 and col. 17; line 56- col. 18; line 14). The component circuit (208) has duty to carry out voice communication to answer incoming call as background task by using second hopping pattern for voice channel while it is carrying out data communication in the system by using third hopping pattern for data channel (see col. 13; line 2- col.14; line 38).

b) detecting said incoming phone call by said background task (fig. 20 and col.13; lines 42-56 or fig. 28 and col. 17; line 56- col. 18; line 14);

c) notifying said operating system of said incoming phone call by said background task (fig. 20 and col.13; lines 42-56 or fig. 28 and col. 17; line 56- col. 18; line 14); and

d) said background task notifying the user of said device of said incoming phone call irrespective of the user's activity on said device (col. 14; lines 31-44).

Arai fails to disclose one graphical user interface in the device's operating system. However, Pepper teaches one graphical user interface is used to notify a incoming call in computer system (col. 6; lines 42-54 and fig. 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Pepper to the system of Arai in order to allow a subscriber to automatically manage his incoming communications in a way that is easy to control and which avoid unnecessary interruptions.

4. As to claims 2,15 and 24, Pepper teaches a portable electronic device is a palmtop computer system (col. 2; lines 42-46)

5. As to claim 3, Arai teaches the method as recited in Claim 1 further comprising the step of answering said incoming phone call by the user (col. 13; lines 48-56 and fig. 20)

6. As to claim 4, Arai teaches the method as recited in Claim 1 wherein said step c) comprises the step of said background task operating to notify the user of said device of said incoming phone call irrespective of the user's activity on said device, provided said graphical user interface is blocked (fig. 20 and col.13; lines 42-56 or fig. 28 and col. 17; line 56- col. 18; line 14 and col. 14; lines 31-44).

7. As to claims 10, 13 and 20, Pepper teaches the step of answering incoming call by pressing the " Accept " button (fig. 10 and col.6; lines 42-54)

8. As to claim 23, Arai teaches a system for delivering a phone call a device (col.13; lines 2-17), said system comprising:

Art Unit: 2683

a processor (CPU 204; fig. 2) coupled to a bus (210; fig. 2), Arai inherently teaches a display screen in personal computer (104; fig. 1) ;

a cellular phone mechanism (202; fig. 2);

a memory unit (205; fig. 2) coupled to said bus (210) and having stored therein an operating system executed by said processor (CPU 204) and a background task (208; fig. 208) executed by said processor. The component circuit (208) has duty to carry out voice communication to answer incoming call as background task by using second hopping pattern for voice channel while it is carrying out data communication in the system by using third hopping pattern for data channel (see col. 13; line 2- col.14; line 38). Said background task performs to the steps of

a) monitoring for incoming phone calls by a background task (208; fig. 2 , fig. 3 or fig. 22) interfacing directly with the telephony functionality of said device, said background task always active (fig. 20 and col.13; lines 42-56 or fig. 28 and col. 17; line 56- col. 18; line 14),

b) detecting said incoming phone call by said background task (fig. 20 and col.13; lines 42-56 or fig. 28 and col. 17; line 56- col. 18; line 14);

c) notifying said operating system of said incoming phone call by said background task (fig. 20 and col.13; lines 42-56 or fig. 28 and col. 17; line 56- col. 18; line 14); and

d) said background task notifying the user of said device of said incoming phone call irrespective of the user's activity on said device (col. 14; lines 31-44).

Arai fails to disclose one graphical user interface in the device's operating system. However, Pepper teaches one graphical user interface is used to notify a incoming call in computer system (col. 6; lines 42-54 and fig. 10). Therefore, it would have been

Art Unit: 2683

obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Pepper to the system of Arai in order to allow a subscriber to automatically manage his incoming communications in a way that is easy to control and which avoid unnecessary interruptions.

9. As to claims 27-28, Arai teaches the background task monitors for the incoming phone calls (fig. 20 and col. 13; lines 42-56 or fig. 28; lines 17; line 56- col. 18; line 14).

10. As to claim 29, Pepper teaches the graphical user interface is used to notify of said incoming phone call (col. 6; lines 42-54 and fig. 10).

11. As to claim 30, Arai teaches said background operates to notify the user of said device of said incoming phone call irrespective of the user's activity on said device (fig. 20 and col.13; lines 42-56 or fig. 28 and col. 17; line 56- col. 18; line 14).

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al (US 5907545) and Pepper et al (US 5930700) as applied to claim 1 above, and further in view of Riemann et al (5892764)

12. As to claim 5, Pepper disclose a computer system is notified of a incoming call and the graphical user interface is updated according to that notice (col. 6; lines 30-54 and fig. 10), but the combination of Arai and Riemann fails to disclose the graphical user interface show a cellular phone keypad and digitry. However, Riemann teaches a graphical user interface show a cellular phone and digitry (col. 13; lines 49-55 and fig. 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Riemann to the combined method of Arai and Pepper in order to improve telephone functionality of the computer system.

Art Unit: 2683

13. As to claim 6, Arai teaches the background task operates to notify the user of said device of said incoming phone call irrespective of the user's activity on said device (fig.20 and col.13; lines 42-56 and col. 14; lines 31-44).

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al (US 5907545) and Pepper et al (US 5930700) as applied to claim 1 above, and further in view of Mitten et al (US 6445935).

14. As to claims 7-9, Arai and Pepper fail to disclose the background task notifies the user of incoming call by activating a ringer, a vibrator or LED. However, Mitten teaches a indicator is used to notify an incoming call. The indicator can be a ringer, a vibrator or LED (col.4; lines 3-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Mitten to the system of Arai in order to enhance performance of communication system.

Claims 11- 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al (US 5907545) and Pepper et al (US 5930700) as applied to claim 1 above, and further in view of Hahn et al (US 6230029).

15. As to claims 11-12, Arai and Pepper fail to disclose the answering the incoming call by pressing a button on an earbud or a headset coupled the device. However, Hahn teaches that the users activate a button on an earbud or a headset to answer an incoming call (col.4; lines 15-28 and fig. 1A through 1D). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Halm to the combined method of Arai and Pepper in order to enhance the performance of the communication device.

Art Unit: 2683

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al (US 5907545) in view of Mitten et al (US 6445935).

16. As to claims 17-19, Arai fails to disclose the step of notifying the user of incoming call by activating a ringer, a vibrator or LED. However, Mitten teaches a indicator is used to notify an incoming call. The indicator can be a ringer, a vibrator or LED (col.4; lines 3-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Mitten to the system of Arai in order to enhance performance of communication system.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al (US 5907545) in view of Hahn et al (US 6230029).

17. As to claims 21- 22, Arai fails to disclose the answering the incoming call by pressing a button on earbud or a headset coupled the device. However, Hahn teaches the user activates button on and an earbud or a headset to answering an incoming call (col.4; lines 15-28 and fig. 1A through 1D). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Halm to the combined method of Arai in order to enhance the performance of the communication device.

Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al (US 5907545) and Pepper et al (US 5930700) as applied to claim 23 above, and further in view of Hahn et al (US 6230029).

18. As to claims 25-26, Arai and Pepper fail to disclose that listing/ speaking apparatus is an earbud or a headset. However, Hahn teaches that listing/ speaking apparatus is an earbud or a headset (col.4; lines 15-28 and fig. 1A through 1D).

Art Unit: 2683

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Cave to the combined method of Arai and Pepper in order to provide convenience to users.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al (US 5907545) and Pepper et al (US 5930700) as applied to claim 23 above, and further in view of Riemann et al (5892764)

19. As to claim 31, Pepper disclose a computer system is notified of a incoming call and the graphical user interface is updated according to that notice (col. 6; lines 30-54 and fig. 10), but the combination of Arai and Riemann fails to disclose the graphical user interface show a cellular phone keypad and digitry. However, Riemann teaches a graphical user interface show a cellular phone and digitry (col. 13; lines 49-55 and fig. 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Riemann to the combined method of Arai and Pepper in order to improve telephone functionality of the computer system.

.Art Unit: 2683

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang Q Le whose telephone number is (703)305-4367.

The examiner can normally be reached on Monday-Friday 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703)308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

THANG LE
October 15, 2002


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